

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

**Caption in Compliance with D.N.J. LBR  
9004-2(c)**

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In re:

WEN-KEV MANAGEMENT, INC., *et al.*,  
  
Debtor.

Case No. 13-36463 (RG)

Chapter 11

(Jointly Administered)

**RESPONSE TO DEBTORS' PROPOSED CURE AMOUNTS**

B.M. Jacobs Family LTD ("Jacobs") files this Response to the Certification of Jewel Nabi [Dkt. No. 56] ("Certification") and Notice to Landlords [Dkt. No. 61] ("Notice"), concerning the cure amounts for leases of the various debtors in these jointly administered cases.

1. Jacobs is the landlord for the premises located at 425 Fulton Street, Brooklyn, NY leased to debtor Wen-Kev Fulton, Inc. (the "Fulton Store").

2. On January 14, 2014, the Court entered the *Order (A) Authorizing and Scheduling an Auction at Which Debtors Will Solicit Bids for the Sale of Their Assets; (B) Approving Procedures for Submission of Competing Bids; (C) Scheduling an Hearing to Consider Approval of Such Sale After Bidding Process has been Completed; (D) Approving the Form and Manner of Notice of Auction Procedures and Sale Hearing; (E) Authorizing the Opening Bid Amount in Favor of Wenesco Restaurant Systems, LLC; (F) Authorizing the Sale of the Assets Free and Clear of All Liens, Claims, Encumbrances and Other Claims of Interest and Attaching Such*

*Claims to the Proceeds of Sale; (G) Approving the Form of the Asset Purchase Agreement; (H) Authorizing Procedures for Assuming and Assigning Leases and Franchise Agreements; and (I) Fixing February 1, 2014 as the Deadline to Landlords of the Eight Locations Being Sold to File Proofs of Claims Including Without Limitation Any Claim of a Landlord for Arrearages; and (I) [sic] Granting Related Relief [Dkt. No. 49] (the “Sale Procedures Order”).*

3. Paragraph 3 of the Sale Procedures Order directs the Debtor to file and serve a notice of proposed cure amounts owed to the landlords for the leases that will be assumed and assigned under the Asset Purchase Agreement. The affected Landlords have until February 1, 2014 to file an objection to the cure amount.

4. On January 16, 2014, Debtor filed the Certification, which identifies the proposed cure amount for the eight leases that the Debtor proposes to assume and assign. The Fulton Store lease is not one of those eight. The Certification also states that if a landlord does not agree with the Certification it is required to object by February 1, 2014.

5. On January 17, 2014, Debtor filed the Notice, which also states that any objection to the cure amount must be filed by February 1, 2014.

6. Neither the Certification nor the Notice identifies the lease for the Fulton Store. However, neither clearly states whether landlords of leases not being assumed and assigned are required to respond. Therefore, out of an abundance of caution, Jacobs files this response to notify the Court of its best estimate of cure amounts due and owing under the Fulton Store lease, which amounts are not less than: \$353,549.19 in taxes and assessments; \$91,557.64 in unpaid base rent; \$105,663.24 in other fees and contractual obligations; and additional rent due as a percentage of gross sales under the terms of the lease (which amount cannot be calculated until all necessary information is provided by debtor Wen-Kev Fulton, Inc. to Jacobs).

7. Since the Fulton Store lease is not being assumed at this time and Jacobs is not subject to the February 1, 2014 deadline, Jacobs reserves the right to supplement this response and/or file one or more proofs of claim or requests for allowance of administrative expense claim(s) at a later date.

Dated: January 31, 2014

**BLANK ROME LLP**

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**CERTIFICATE OF SERVICE**

I, Gregory F. Vizza, hereby certify that, on this 31st day of January 2014, the foregoing *Response to Debtors' Proposed Cure Amounts* was served upon the parties listed below in the manner indicated.

**VIA ELECTRONIC MAIL**

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